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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/737,064
Filing Date: December 16, 2003
Appellant(s): HORNBACK ET AL.

Steven M. Greenberg (Reg. No. 44,725)
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed January 28, 2008 appealing from the Office action mailed on August 27, 2007.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

US 2003/0007703 A1	ROYLANCE	1-2003
US 2001/0041017 A1	DE QUEIROZ	11-2001
US 6,055,017	SHEN ET AL.	4-2000

Jong Whan Jang, Il Kyun Oh, "Performance Evaluation of Scene Change Detection Algorithms", Communications, 1999. APCC/OECC '99. Fifth Asia-Pacific Conference on ... and Fourth Optoelectronics and Communications Conference, ISBN: 7-5635-0402-8.

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

[R1] Claims 1-4, 8 and 10-12 are rejected under 35 U.S.C. 102(e) as being anticipated by Roylance

Regarding claim 1, Roylance meets the claim limitations, as follows:

A componentized application sharing system (*i.e.* 100) configured for use with a shared application host, the system comprising: a plurality of different pluggable image processing modules (*i.e.* 206 and 306), each of said different pluggable image processing modules (*i.e.* 206 and 306) conforming to a corresponding single interface (*i.e.* network) expected by the application sharing module (*i.e.* 108) [figs. 1-3; paras. 0020 and 0029], each of said different pluggable image processing modules being selectable

to meet requirements of a shared application hosted in the shared application host [para. 0035]; and, a communicative coupling (*i.e. network*) between the application sharing module (*i.e. 108*) and a selected one of said different image processing modules (*i.e. 206 and 306*) [figs. 1-3; para. 0020].

Regarding claim 2, Roylance meets the claim limitations, as follows:

The system of claim 1, wherein said pluggable image processing modules comprises a plurality of different pluggable image compression modules [para. 0029].

Regarding claim 3, Roylance meets the claim limitations, as follows:

The system of claim 1, wherein said pluggable image processing modules comprises a plurality of different pluggable image capturing modules [para. 0021: *scanner and camera*].

Regarding claim 4, Roylance meets the claim limitations, as follows:

The system of claim 1, wherein said pluggable image processing modules comprises a plurality of different pluggable image transmission modules [para. 0018 and 0021: *printer and scanner with fax*].

Regarding claim 8, Roylance meets the claim limitations, as set forth in the discussion for claim 1 and further discloses the application sharing host comprising selection logic programmed to select an application sharing strategy ranging from high image fidelity to high speed image transmission [para. 0029: *Any selecting method would fall within this range*].

Regarding claims 10-12, all claimed limitations are set forth and rejected as per discussion for claims 1-4.

[R2] Claims 1, 2, 7, 8 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated De Queiroz

Regarding claim 1, De Queiroz meets the claim limitations, as follows:

A componentized application sharing system [fig. 2] configured for use with a shared application host, the system comprising: a plurality of different pluggable image processing modules (*i.e.* M1-M4), each of said different pluggable image processing modules (*i.e.* M1-M4) conforming to a corresponding single interface (*i.e.* 122) expected by the application sharing module [fig. 2; para. 0043], each of said different pluggable image processing modules being selectable to meet requirements of a shared application hosted (*i.e.* 104) in the shared application host [para. 0043]; and, a communicative coupling (*i.e.* system bus) between the application sharing module and a selected one of said different image processing modules [fig. 1 and 2].

Regarding claim 2, De Queiroz meets the claim limitations, as follows:

The system of claim 1, wherein said pluggable image processing modules comprises a plurality of different pluggable image compression modules (*i.e.* M1-M4) [fig. 2; para. 0042].

Regarding claim 7, De Queiroz meets the claim limitations, as follows:

The system of claim 2, wherein said different image compression modules (*i.e.* *M1-M4*) comprise image compression logic (*i.e.* *104*) programmed to produce one of a smallest possible image size to provide a highest possible rate of transmission for a compressed image (*i.e.* *M4*), a lowest level of image resolution loss to provide a highest level of image fidelity for a compressed image (*i.e.* *M1*), and a moderate image size (*i.e.* *M2 or M3*) to provide an intermediate rate of transmission and an intermediate level of image fidelity for a compressed image [*paras. 0042 and 0043*].

Regarding claims 8 and 10, all claimed limitations are set forth and rejected as per discussion for claims 1, 2 and 7.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

[R3] Claims 6 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over De Queiroz in view of Shen et al. (“Shen”).

Regarding claim 6, De Queiroz meets the claim limitations as disclosed in claim 1.

De Queiroz does not explicitly disclose the following claim limitations:

The system of claim 1, wherein said pluggable image processing modules comprises a plurality of different pluggable image region selection modules configured to process

selected image sub-partitions of shared application imagery, each of said different pluggable image region selection modules selecting and ordering processing of said selected image sub-partitions differently.

However, in the same field of endeavor Shen discloses the deficient claim limitations, as follows:

A plurality of different pluggable image region selection (*i.e.* 6, 7 and 8) modules configured to process selected image sub-partitions (*i.e.* sub-bands) of shared application imagery, each of said different pluggable image region selection modules (*i.e.* 6, 7 and 8) selecting and ordering processing (*i.e.* scan path) of said selected image sub-partitions differently (*i.e.* horizontal, vertical or zig-zag) [figs. 5 and 7].

It would have been obvious to one with ordinary skill in the art at the time of invention to modify the teachings of De Queiroz with Shen to use different scanning directions based on sub-bands, the motivation being to use less bits [col. 2, ll. 29-40].

Regarding claim 14, all claimed limitations are set forth and rejected as per discussion for claim 6.

[R4] Claims 6 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable Roylance over in view of Shen.

Regarding claim 6, Roylance meets the claim limitations as disclosed in claim 1.

Roylance does not explicitly disclose the following claim limitations:

The system of claim 1, wherein said pluggable image processing modules comprises a plurality of different pluggable image region selection modules configured to process selected image sub-partitions of shared application imagery, each of said different pluggable image region selection modules selecting and ordering processing of said selected image sub-partitions differently.

However, in the same field of endeavor Shen discloses the deficient claim limitations, as follows:

A plurality of different pluggable image region selection (*i.e.* 6, 7 and 8) modules configured to process selected image sub-partitions (*i.e.* sub-bands) of shared application imagery, each of said different pluggable image region selection modules (*i.e.* 6, 7 and 8) selecting and ordering processing (*i.e.* scan path) of said selected image sub-partitions differently (*i.e.* horizontal, vertical or zig-zag) [figs. 5 and 7].

It would have been obvious to one with ordinary skill in the art at the time of invention to modify the teachings of Roylance with Shen to use different scanning directions based on sub-bands, the motivation being to use less bits [col. 2, ll. 29-40].

Regarding claim 14, all claimed limitations are set forth and rejected as per discussion for claim 6.

[R5] Claims 5 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable Roylance over in view of Jang et al. ("Jang").

Regarding claim 5, Roylance meets the claim limitations as disclosed in claim 1.

Roylance does not explicitly disclose the following claim limitations:

The system of claim 1, wherein said pluggable image processing modules comprises a plurality of different pluggable image change detection modules configured to trigger image updates responsive to changes in portions of a shared application image.

However, in the same field of endeavor Jang discloses the deficient claim limitations, as follows:

A plurality of different pluggable image change detection (*i.e. scene change*) modules (*i.e. 1.1, 1.2 and 1.3*) configured to trigger image updates responsive to changes in portions of a shared application image [*page 841, col. 1, paras. 2 and 3; Sections 1.1, 1.2 and 1.3*].

It would have been obvious to one with ordinary skill in the art at the time of invention to modify the teachings of Roylance with Jang to select among the different scene change algorithms, the motivation being that each algorithm as a trade off between speed and accuracy [*page 842, col. 1, paras. 1 and 2; page 842, col. 2, para. 2*].

Regarding claim 13, all claimed limitations are set forth and rejected as per discussion for claim 5.

[R6] Claims 5 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable De Queiroz over in view of Jang.

Regarding claim 5, De Queiroz meets the claim limitations as disclosed in claim 1.

De Queiroz does not explicitly disclose the following claim limitations:

The system of claim 1, wherein said pluggable image processing modules comprises a plurality of different pluggable image change detection modules configured to trigger image updates responsive to changes in portions of a shared application image. However, in the same field of endeavor Jang discloses the deficient claim limitations, as follows:

A plurality of different pluggable image change detection (*i.e. scene change*) modules (*i.e. 1.1, 1.2 and 1.3*) configured to trigger image updates responsive to changes in portions of a shared application image [*page 841, col. 1, paras. 2 and 3; Sections 1.1, 1.2 and 1.3*].

It would have been obvious to one with ordinary skill in the art at the time of invention to modify the teachings of De Queiroz with Jang to select among the different scene change algorithms, the motivation being that each algorithm as a trade off between speed and accuracy [*page 842, col. 1, paras. 1 and 2; page 842, col. 2, para. 2*].

Regarding claim 13, all claimed limitations are set forth and rejected as per discussion for claim 5.

(10) Response to Argument

Regarding claim 1, applicant argues that neither Roylance nor De Queiroz discloses, "each of said different pluggable image processing modules being selectable to meet requirements of a shared application hosted in the shared application host" [page 5, para. 4 and page 7, para. 4]. In fact, there is no mention anywhere within Roylance of a "shared application" or sharing of an application (page 6, para. 3-4).

Examiner's Response:

Regarding claim 1, Roylance discloses the limitation as follows, "each of said different pluggable image processing modules (*i.e.* 206 and 306) being selectable (*i.e.* *selectively routing data through the modules in accordance to required processing*) to meet requirements of a shared application hosted (*i.e.* *message generator*) in the shared application host (*i.e.* 118)" [*paras. 0035-0037 and page 4, claim 1*].

Roylance states "In step 504, a first message is provided to a first logic module 306. Next in step 506, the first logic module 306 processes the data associated with the first message. Either upon completion or during processing of the first message image data, as depicted in step 508, a subsequent message can be provided to another logic module 306. This subsequent message identifies image data to be processed by the other logic module" (para. 0035). Thus, the image data will be shared with multiple logic modules. Additionally, the term "shared application" is broadly recited in the claims and is not given any specific description as to the type of shared application. Roylance clearly states "support buses 308 provide either dedicated or shared data paths over which image data (and any associated control data) can be shared between various logic modules 306 (para. 0026)

Regarding claim 1, De Queiroz discloses the limitation as follows, "each of said different pluggable image processing modules (*i.e.* M1-M4) being selectable (*i.e.* *selecting the most appropriate module*) to meet requirements of a shared application hosted (*i.e.* 104) in the shared application host (*i.e.* 10) [*figs. 1 and 2; para. 0043*].

(11) Related Proceeding(s) Appendix

Art Unit: 2624

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Sath V Perungavoor/

Examiner, Art Unit 2624

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